

ORDINANCE 8 OF 2003

**AN ORDINANCE
TO PROVIDE FOR THE CONTROL OF
THE PRODUCTION OF AND TRADE IN THE
REPRODUCTIVE MATERIAL OF ANIMALS AND
RELATED MATTERS**

T. W. RIMMER
ADMINISTRATOR

24 February 2003.

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia as follows:-

PART I

PRELIMINARY PROVISIONS

1. This Ordinance may be cited as the Reproductive Material of Animals (Control of Production and Trade) Ordinance 2003. Short title.

2. In this Ordinance, unless the context otherwise requires: Interpretation.

“animal” means any mammal, bird, reptile, productive insect, fish, crustacean or mollusc;

“approved diagnostic laboratory” means any laboratory approved to carry out the specified diagnostic tests, pursuant to section 13;

“artificial insemination” means the artificial placement of semen inside the genital organs of a female animal in order to effect gestation;

“artificial reproduction” means artificial insemination, transplantation of embryos, or placement of ova inside the reproductive organs of a female animal, for the purposes of gestation;

“authorised veterinarian” means any veterinarian who has been authorised in writing by the Chief Officer, to carry out specific veterinary checks;

“business” means any undertaking which is engaged in the purchase, supply, importation, storage or transport of the reproductive material of animals or artificial insemination of animals for commercial purposes and includes any reproductive material centre, any sperm collection centre and any embryo handling team;

“businessman” means a natural or legal person who owns or operates a business;

“centre veterinarian” means the veterinarian responsible for day-to-day compliance in any reproductive material centre or semen collection centre with the requirements of this Ordinance and any regulations made thereunder;

“collection”, in relation to reproductive material, means the quantity of semen, embryos or ova, as the case may be, taken from a donor animal at any time;

“consignment”, in relation to reproductive material, means the quantity of reproductive material covered by a single certificate;

“embryo” means the initial stage of development of an animal while it is capable of being transferred to a recipient dam;

“embryo collection team” means an approved group of technicians competent to perform the collection, processing and storage of embryos;

“embryo handling team” means an approved group of technicians competent to perform the functions of an embryo collection team, an embryo production team or an embryo transplant team;

“embryo production team” means an approved group of technicians competent in the application of biotechnological methods for the production of embryos in female animals or in the laboratory;

“embryo transplant” means the placement of embryos inside the genital organs of female animals, by artificial and scientific means, for the purpose of gestation, in accordance with any code of practice which may be issued from time to time by the Chief Officer for that purpose;

“embryo transplant team” means an approved group of technicians competent in the transplantation of embryos;

“inseminator” means a person who carries out artificial insemination;

“licensed animal” means an animal in respect of which a licence has been granted for its use in the production of reproductive material, pursuant to section 7;

“member State” means a member State of the European Union;

“official veterinarian” means any veterinarian serving in the competent authority;

“ovum” means a female gamete collected artificially from the ovary of a female animal;

“reliable accrediting organisation” means an independent and objective national organisation, of international prestige, having competent and trained staff, and the competence to accredit, as specified in Guidelines 40 and 62 of the International Standards Organisation/IEC Organisation;

“reproductive material”, in relation to an animal, means the semen, ova or embryos of the animal;

“reproductive material centre” means any premises, fixed or mobile, used for one or more of the following activities:-

- (a) the collection, processing, storage or other kind of handling of reproductive material;
- (b) the keeping and use of animals for any of the purposes referred to in paragraph (a) above;
- (c) the operation of a bank of reproductive material;

“semen” means the prepared or diluted ejaculate of a licensed male animal;

“semen collection centre” means any approved premises, fixed or mobile, in which semen is produced and collected for use in artificial insemination;

“specified” means specified in this Ordinance or in any regulations or orders made thereunder;

“team veterinarian” means the veterinarian responsible for the supervision of any embryo handling team;

“veterinarian” means any practitioner as defined by section 2 of the Veterinary Surgeons Ordinance;

“veterinary inspector” means a person appointed by the Chief Officer to carry out veterinary inspections under the guidance of the official veterinarian and to assist him in the performance of his duties and in the execution of his decisions;

“use of animals for reproduction” means any use or exploitation of an animal for the production of reproductive material of animals.

3. This Ordinance imposes responsibilities and duties and confers powers upon the Chief Officer and others, for the purposes of controlling the production of reproductive material, with a view to ensuring such material is free from any contagious, other infectious or hereditary disease or abnormality. Scope.

PART II

PROHIBITIONS AND LICENSES

4. - (1) No person shall establish, operate or manage any reproductive material centre, semen collection centre or embryo handling team unless he has been granted a licence to do so, pursuant to section 6. Prohibitions.

(2) No person shall use an animal for the production of reproductive material, unless a licence has been granted in respect of that animal for that purpose, pursuant to section 7.

(3) No person shall:-

- (a) carry out any activity relating to artificial reproduction, unless he has been granted a personal licence to do so, pursuant to section 8;
- (b) apply biotechnological methods, unless he has been granted a personal licence to do so, pursuant to section 9; or
- (c) carry out artificial insemination, unless he has been granted a personal licence to do so, pursuant to section 10.

(4) Irrespective of whether or not he has been granted a licence under subsection (1), no person shall authorise or employ or use any other person to carry out any of the activities referred to in subsection (3), unless that other person has been granted the appropriate personal licence.

Licences.

5. - (1) In order to obtain any of the licences referred to in this Ordinance, the person concerned shall apply in writing to the Chief Officer on the specified form and submit, together with that application, the specified certificates, particulars and information.

(2) No licence shall be granted under this Ordinance unless:-

- (a) the Chief Officer is satisfied, in the light of the certificates, particulars and information supplied, that the relevant conditions and requirements are fulfilled; and
- (b) the specified fee has been paid.

(3) Without prejudice to subsection (2)(a), the Chief Officer may attach conditions and requirements to any licence granted by him under this Ordinance.

Conditions for licensing reproductive material centres and embryo handling teams.

6. - (1) A reproductive material centre shall be licensed if:-

- (a) it is under the supervision of a centre veterinarian; and
- (b) it fulfils all specified conditions and requirements relating to the operation and equipment thereof for the breed of animal concerned.

(2) A semen collection centre shall be licensed if:-

- (a) it is under the supervision of a centre veterinarian; and
- (b) it fulfils all specified conditions and requirements relating to the operation and equipment thereof, for the breed of animal concerned.

(3) An embryo handling team shall be licensed if:-

- (a) it is under the supervision of a team veterinarian; and
- (b) it fulfils all specified conditions and requirements relating to the operation and equipment thereof, for the breed of animal concerned.

Conditions for licensing animals.

7. An animal shall be licensed for the production of reproductive material if it is free from the notifiable diseases prescribed by the Chief Officer, by notice published in the Gazette, pursuant to section 8(c)(iv) of the Animal Health Ordinance 2002.

Ordinance 5 of 2002.

Conditions for licensing activities relating to artificial reproduction.

8. A licence to carry out any activity relating to artificial reproduction shall be granted if the person concerned provides documentary proof that:-

- (a) subject to section 11, he is a citizen of the Republic; and
- (b) he has the specified qualifications, means and appropriate equipment to carry out any activity relating to artificial reproduction for the breed of animal concerned.

9. A licence to apply biotechnological methods shall be granted if the person concerned provides documentary proof that:-

Conditions for licensing the application of biotechnological methods.

- (a) subject to section 11, he is a citizen of the Republic; and
- (b) he has the specified qualifications, means and appropriate equipment to apply biotechnological methods for the breed of animal concerned.

10. - (1) A licence to carry out artificial insemination shall be granted if the person concerned provides documentary proof that:-

Conditions for licensing artificial insemination.

- (a) subject to section 11, he is a citizen of the Republic; and
- (b) he has the specified qualifications, means and appropriate equipment to carry out artificial insemination, for the breed of animal concerned.

(2) Any licence granted pursuant to subsection (1) shall specify the breed of the female animal which the licensed inseminator may artificially inseminate.

11. - (1) Notwithstanding paragraph (a) of sections 8, 9 and 10, the Administrator may, in exceptional circumstances and following the recommendation of the Chief Officer, authorise the granting of any of the licences provided for in sections 8, 9 and 10 to aliens, provided such aliens fulfil the conditions and requirements referred to in paragraph (b) thereof.

Authority of the Administrator to grant licences to aliens and citizens of member States.

(2) The Administrator may, by order to be published in the Gazette, authorise the granting of any of the licences provided for in this Ordinance to citizens of the member States, on the same terms and conditions which apply to citizens of the Republic, from such date as shall be specified in such order.

(3) For the purposes of this section, the term "aliens" excludes citizens of the member States.

12. - (1) The Chief Officer shall grant an approval to any diagnostic laboratory operating inside the Areas to carry out such diagnostic tests on reproductive material as shall be specified, where he is satisfied that the laboratory is recognised by a reliable accrediting organisation.

Approval of diagnostic laboratories.

(2) The Chief Officer shall establish and maintain a list of laboratories approved by him pursuant to subsection (1).

13. The Chief Officer may suspend or revoke any licence granted by him pursuant to sections 6 to 11, where he is satisfied, on reasonable grounds, that:-

Suspension and revocation of licences.

- (a) the licence has been obtained fraudulently, by making a false declaration or by withholding an essential fact;
- (b) one or more of the specified conditions and requirements for granting the licence are no longer fulfilled; or
- (c) the licensee, without reasonable cause, has contravened any prohibition or requirement imposed upon him by or under this Ordinance.

PART III**RESPONSIBILITIES, DUTIES AND POWERS
OF THE CHIEF OFFICER**

Responsibilities of
the Chief Officer.

14. - (1) The Chief Officer shall be responsible for:-

- (a) the prevention and combating of the transmission, by or through reproductive material, of:-
 - (i) contagious and other infectious animal diseases and animal-human diseases; and
 - (ii) hereditary diseases and abnormalities;
- (b) the establishment and implementation of special programmes for the purposes of paragraph (a) above;
- (c) the exercise of preventive veterinary medicine in matters relating to the transmission of any of the diseases and abnormalities referred to in paragraph (a) above;
- (d) the epidemiological inspection of the animal population to determine the existence or otherwise of any of the diseases and abnormalities referred to in paragraph (a) above;
- (e) the publication of Codes of Practice concerning the artificial reproduction of animals;
- (f) the control of the methods and means used, applied or tested experimentally on the reproductive system of animals by businesses for the purposes of producing reproductive material;
- (g) the inspection of the conduct of businesses and any approved diagnostic laboratories, to verify their compliance with this Ordinance and any regulations, orders and notifications made thereunder;
- (h) the provision of appropriate scientific and veterinary clinical advice and assistance to businesses for the purpose of ensuring their compliance with any Codes of Practice published from time to time by him;
- (i) following the carrying out of epidemiological checks, the declaration of businesses as suspect, contaminated, or free from specified contagious or other infectious animal diseases or animal-human diseases or hereditary diseases or abnormalities, which may be transmitted by or through reproductive material;
- (j) the registration of businesses and animals used for reproduction, in records or data bases;
- (k) the fulfilment of any international obligations in the field of animal reproduction.

(2) The Chief Officer may charge reasonable fees for any service provided by him.

Powers and duties
of the Chief
Officer.

15. The Chief Officer:-

- (a) shall authorise suitably qualified official veterinarians and other veterinarians to perform the duties imposed upon them and exercise the powers conferred upon them by or under this Ordinance;

- (b) shall appoint suitably qualified veterinary inspectors, who shall be responsible to the official veterinarians, follow their instructions and assist them in the exercise of their powers and in the execution of their decisions;
- (c) may impose the appropriate prescribed preventive and combative measures for a period not exceeding 30 days, in any case where a clinical or laboratory diagnosis indicates the existence of any hereditary disease or abnormality (or the existence of any predisposition to any such disease or abnormality) in any animal or in the reproductive material of any animal, pending the making of an order by the Administrator, pursuant to section 20(a);
- (d) shall ensure that his decisions are duly executed;
- (e) may delegate to any suitable person:-
 - (i) the exercise of any of the powers conferred upon him; and
 - (ii) the performance of any of the responsibilities and duties imposed upon him,

by or under this Ordinance.

PART IV

POWERS AND DUTIES OF OFFICIAL VETERINARIANS, AUTHORISED VETERINARIANS AND VETERINARY INSPECTORS

16. - (1) Any official veterinarian, authorised veterinarian or veterinary inspector may:-

Powers of veterinarians.

- (a) enter, at any reasonable time:-
 - (i) any premises in which reproductive material is produced, stored, used transported or traded, (including any approved diagnostic laboratory, any semen collection centre and any premises where any embryo handling team works); or
 - (ii) any other premises where he has reason to believe that the activities carried out therein fall within the scope of this Ordinance,

in order to carry out veterinary inspections on any animal used for reproduction, take any sample therefrom or to inspect any written or computerised data held therein, for the purpose of ascertaining whether there is or has been on the premises any contravention of this Ordinance or any regulation or order made thereunder;

- (b) require any businessman, centre veterinarian, team veterinarian, inseminator or any other employee to present or produce any licence, or other document, the keeping of which is required by or under this Ordinance;
 - (c) exercise any other powers and perform any other duty which may be conferred or imposed upon him by or under this Ordinance.
- (2) Where the circumstances warrant, the official veterinarian may:-

- (a) confiscate the reproductive material of any animal;
- (b) order the destruction of the reproductive material of any animal;
- (c) impose a prohibition or restriction upon the transportation of the reproductive material of any animal to and from any premises or area in which the extraordinary measures have been imposed, either by order of the Administrator or by a decision of the Chief Officer pursuant to section 17 or 20, for the purposes of eradicating any contagious or other infectious disease;
- (d) verify the compliance of the persons concerned with the conditions and measures imposed upon them by or under this Ordinance;
- (e) order tests on the reproductive material of any animal;
- (f) order the isolation or segregation of the reproductive material of any animal;
- (g) impose appropriate preventive measures or measures to eliminate hereditary diseases and abnormalities;
- (h) inspect:-
 - (i) any business, its records and equipment;
 - (ii) the activities carried out by any business;
 - (iii) the reproductive material of any animal;
 - (iv) any licensed animal;
 - (v) any licensed inseminator;
 - (vi) any team veterinarian;
 - (vii) any centre veterinarian,

in order to verify whether the provisions of this Ordinance and any regulations and orders made thereunder are being complied with in relation thereto;
- (i) take samples of the reproductive material of any animal;
- (j) require the detention of the reproductive material of any animal, pending a final decision being made with respect to its future;
- (k) confiscate any imported reproductive material of any animal or order its re-exportation;
- (l) order the temporary cessation of the activities of any business, artificial inseminator, team veterinarian or centre veterinarian who is in serious breach of any provision of this Ordinance or any regulation or order made thereunder, for a period, not exceeding three months, to enable such person to remedy such contravention and in the event that such person fails to rectify the situation within the time limit imposed, recommend to the Chief Officer that the licence granted to him under this Ordinance be revoked;
- (m) make recommendations to the Chief Officer regarding the granting, suspending or revoking of any licence provided for under this Ordinance;

- (n) issue the prescribed documents and certificates required for the consignment of the reproductive material of any animal.

(3) When exercising any of the powers referred to in paragraphs (a), (b), (c), (g), (k), (l) and (m) of subsection (2), the official veterinarian shall serve on the businessman or other person concerned a notice, referring to the specific action taken and the grounds for taking it.

(4) The Chief Officer or the official veterinarian, as the case may be, may call upon and use the assistance of the Police for the purposes of ensuring that the measures provided for by or under this Ordinance are properly applied.

17. Any official veterinarian and any authorised veterinarian may charge fees for any service provided by him, the amount of which shall be specified by the Chief Officer in writing.

Charging of fees by veterinarians.

18. - (1) Any veterinarian who detects or suspects:-

- (a) the outbreak of a contagious or other infectious disease which may be reproductively transmitted; or
- (b) the presence of a hereditary disease, abnormality or predisposition thereto,

Notification of diseases.

shall promptly notify the Chief Officer and failure to do so shall constitute an offence for the purposes of 22(a).

(2) Any businessman or other person who uses any animal for reproduction or for the production of reproductive material which he has reason to suspect may be responsible for the transmission of any contagious or other infectious disease or any hereditary disease, abnormality or predisposition thereto shall:-

- (a) immediately cease to use the animal and any reproductive material produced therefrom; and
- (b) notify the Chief Officer, or any authorised veterinarian, as soon as possible thereafter.

PART V

APPEALS

19. - (1) Any person who is dissatisfied with any decision made under paragraph (a), (b), (c), (g), (k), (l) or (m) of section 16(2) may appeal to the Chief Officer, within three days of receiving notification of it.

Appeals.

(2) Where an appeal is made in connection with the confiscation of reproductive material, the appellant shall bear the cost of storage of the reproductive material until a final decision is made.

(3) Where the appeal is successful, any costs of storage incurred, pursuant to subsection (2), shall be refunded to the appellant.

(4) The appeal shall be examined as soon as possible by a committee appointed by the Chief Officer, comprising two official veterinarians other than the official veterinarian who made the disputed decision (both of whom should preferably be more senior or at least equal in rank to the official veterinarian who made the disputed decision) and a third veterinarian proposed by the appellant.

(5) Where appropriate, when considering the appeal, the committee may carry out laboratory or clinical tests in addition to any tests which may have been carried out earlier.

(6) The decision of the committee shall:-

- (a) be taken by the majority of its members;
- (b) be final; and
- (c) have immediate application.

PART VI

SPECIAL POWERS OF THE ADMINISTRATOR

Special powers of the Administrator.

20. The Administrator may make an order, to be published in the Gazette, to:-

- (a) impose in specific areas the extraordinary measures provided for in regulations, in the case of any outbreak of any contagious or other infectious disease or the discovery of any hereditary disease, abnormality or any predisposition thereto;
- (b) revoke the application of the measures referred to in paragraph (a) above when the contagious disease or hereditary disease or abnormality or predisposition thereto, as the case may be, has been dealt with.

PART VII

MISCELLANEOUS PROVISIONS

Compensation.

21. Any claim for compensation arising from the confiscation or destruction of the reproductive material of any animal by or on behalf of the Chief Officer, shall be determined mutatis mutandis in accordance with the provisions of section 11 of the Animal Health Ordinance 2002.

Ordinance 5 of 2002.

Offences and penalties.

22. It is an offence for any person to:-

- (a) contravene or fail to comply with any obligation imposed on him under this Ordinance and the regulations made thereunder;
- (b) intentionally obstruct any official veterinarian, authorised veterinarian or veterinary inspector in the exercise of the powers assigned to him by this Ordinance and the regulations made thereunder;
- (c) fail to comply with any legitimate direction or order imposed on him by an official veterinarian or the Chief Officer, under this Ordinance; or
- (d) fail to return any licence which has been revoked or engages in any activity which requires possession of a licence, without such a licence,

and on conviction such person shall be liable to a term of imprisonment not exceeding six months or to a fine not exceeding the sum of £2,000 or to both such penalties.

Offences by bodies corporate.

23. – (1) Where a body corporate is guilty of an offence under this Ordinance and that offence is proved to have been committed with the consent or connivance of or to have been attributable to any neglect on the part of:-

- (a) any director, manager, secretary or other similar officer of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

he as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly.

(2) For the purposes of subsection (1), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

24. - (1) The Administrator may make regulations for the better application of this Ordinance. Making of regulations.

(2) In particular and without prejudice to the generality of subsection (1), these regulations may provide for all or any of the following matters:-

- (a) the conditions and requirements to be fulfilled in connection with the production of reproductive material;
- (b) the conduct of businesses;
- (c) the specification of the forms required and the fixing of the fees imposed under this Ordinance;
- (d) the qualifications required by persons using:-
 - (i) specific breeds of animals for reproductive purposes; or
 - (ii) the reproductive material of such animals;
- (e) measures for the prevention and control of specific contagious diseases or hereditary diseases;
- (f) the imposition of extraordinary measures for the prevention and control of contagious animal or animal-human diseases and hereditary animal diseases;
- (g) the imposition of additional responsibilities and duties and conferment of additional powers upon the Chief Officer.

25. Any business or person who is engaged in any of the activities regulated by this Ordinance on the date when it comes into force shall obtain the appropriate licence within six months of that date. Transitional provision.

26. This Ordinance shall come into force on a date to be specified by the Administrator by notice to be published in the Gazette. Commencement.

24th February 2003
(195/14)

J.C.A. JARVIS CBE,
Chief Officer.

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“authorised veterinarian” means any veterinarian who has been authorised in writing by the Chief Officer, to carry out specific veterinary checks;

AN ORDINANCE
TO AMEND THE FIREARMS ORDINANCE

ADMINISTRATOR

BE it enacted by the Administrator of the Sovereign Base Areas of Akrotiri and Dhekelia that

1. This Ordinance may be cited as the Firearms (Amendment) Ordinance 2003 and shall be read as one with the Firearms Ordinance as amended from time to time (hereinafter referred to as “the principal Ordinance”).

2. The principal Ordinance is hereby amended by inserting immediately after section 9 thereof the following new section 9A:

“Sports equipment The provisions of section 9 of this Ordinance shall apply also to sports equipment thereof”.

(119/12)

Chief Officer

